Court No. 1

Writ Petition No. 4425 of 2001 (S/S)

Vijay Thapliyal …….. Petitioner

Versus

State of Uttaranchal through
Forest Secretary & four ors …….. Respondents.

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner seeking writ of mandamus to command the respondents to consider the case of the petitioner for regularisation and to pay him regular salary as is being paid to the regular employees of the Department. The similar grievance raised by the other daily-wager employees of the Forest Department was considered by the High Court, Allahabad, in which the High Court, Allahabad directed the Department to frame a scheme for regularisation of daily-wagers, against which the State of Uttar Pradesh approached the Hon'ble Apex Court. The Hon'ble Apex Court passed the following order:

> "In the course of hearing of these appeals filed by the State of U.P. as well as the State of Uttaranchal, the main grievance appears to be the directions of the High Court directing framing of a scheme for regularisation of all daily-wagers/muster rolls employees irrespective of the fact whether they are in government or under any scheme. It appears to us that the scheme in question need not be framed so far as those who are under any scheme, as the continuity of the scheme is dependent upon several imponderables. But it cannot be doubted that a scheme for regularisation of those daily wagers who are in the Forest Department has to be framed particularly taking into account the fact that they have been serving for a period of 3 to 20 years. We modify the impugned directions of the High Court and substitutes the same by directing that the scheme in question may be framed giving details as to how the services of those daily wagers/muster rolls under the Forest Department who have rendered 10 years or more service for being regularised. The

scheme in question may be framed within three months from today and the matter may be called after three months to consider the feasibility and/ or viability of the scheme to be formulated. The State is directed to file any further affidavit indicating as to how the persons are being regularised in accordance with the regularisation rules".

In view of the aforesaid direction of the Hon'ble Supreme Court, the respondents are directed that if the scheme has been framed and if the petitioner is eligible, his case for regularisation and to pay him regular salary shall be considered.

With the above observation, the writ petition is disposed of finally.

Sd/-

Dt. 21.09.2001
P.Singh